

U.S. Patent Application No. 10/510,385

Docket No. 4590-340

## REMARKS

By Official Action mailed September 20, 2006 restriction to one of the following inventions is required under 35 USC 121:

I. Claims 1-11, drawn to a process for fabricating a microstructure containing a vacuum cavity, classified in class 438, subclass 48.

II. Claims 12-18, drawn to a microstructure, classified in class 257, subclass 252+.

**In response to the Restriction Requirement dated September 20, 2006; Applicant provisionally elects the group I claims defined by claims 1-11 for prosecution.**

This election is made with traverse. In the first place, claim 12 has been amended to recite that the apparatus is made by the invention of claim 1. In the second place, it has not been established that there is an undue burden on the Examiner involved with the examination of the group II claims.

For the foregoing reasons, it is respectfully requested that the Restriction Requirement be withdrawn and that all pending claims be examined in this single application.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 07-1337 and please credit any excess fees to such deposit account.

Respectfully submitted,

**LOWE HAUPTMAN & BERNER, LLP**



Kenneth M. Berner  
Registration No. 37,093

1700 Diagonal Road, Suite 300  
Alexandria, Virginia 22314  
(703) 684-1111 KMB/tyr  
Facsimile: (703) 518-5499  
Date: November 20, 2006

U.S. Patent Application No. 10/510,385

Docket No. 4590-340